

1700 Older Americans Act Carryover Funds

1701 Overview

The Aging and Adult Administration shall develop and maintain fiscal control and funding operational principles and procedures that address the management of Older Americans Act (Title III and VII) carryover funds disbursed under an approved State Plan on Aging. Carryover funds shall be obligated by the Aging and Adult Administration to ensure the continuation of service delivery.

This chapter shall provide an outline of the Aging and Adult Administration operational principles and procedures for managing and obligating Older Americans Act carryover funds.

Reference: Older Americans Act of 1965, as Amended in 2000, P.L. 106-501, §304 and §306; and Title 45 C.F.R. §74.71.

1702 Operational Principles

1702.1 Carryover funds are for a *one-year period only (budget year)*.

1702.2 Area Agencies on Aging shall incorporate carryover funds from the most recently completed budget year into their contract and subcontracts by January 1st for the current budget year. Area Agencies on Aging may request an extension to the January 1st deadline by providing written justification to the Aging and Adult Administration Field Operations Manager.

1702.3 Area Agencies on Aging shall identify carryover amounts in their Area Plan and during their public hearing. The Area Plan must specify the priorities established by the Area Agencies on Aging regarding the use of carryover funds. The carryover funds may be targeted toward meeting one or more of the following goals:

- A) Reducing the waiting list.
- B) Expanding current service levels.
- C) Replacing funds in services resulting from other Federal, State, or Local reduction.
- D) Funding demonstration/pilot projects.
- E) Funding one-time expenditures.

1702.4 Area Agencies on Aging may carryover 10% of their total Older Americans Act funds from the most recently completed budget year to the current budget year. The 10% does not include any carryover funds from a prior budget year(s).

1702.5 Area Agencies on Aging may request authorization to carryover up to 20% of their total Older Americans Act funds by providing written justification for additional funds detailing the amount requested by

funding source and a description of the projected use of the funds. This request shall be approved/disapproved by the Aging and Adult Administration Program Administrator.

- 1702.6 Unexpended Older American Act administration funds identified at the end of the most recently completed budget year are not eligible as administration carryover.

1703 Operational Procedures

- 1703.1 Area Agencies on Aging will submit to the Aging and Adult Administration their final Expenditure Report for all services provided 45 calendar days following the termination of the contract budget year (August 15th).
- 1703.2 The Aging and Adult Administration will analyze the expenditures against the payments and the contract budgets ceiling to establish the unexpended amounts by fund source following the submittal of the Expenditure Report. Aging and Adult Administration will review, adjust and amend as needed, the results prior to developing the contract close-out report.
- 1703.3 The close-out report issued by the Aging and Adult Administration will consist of the following:
- A) Cover letter
 - B) Preliminary close-out summary (Excel spreadsheet)
 - C) Year-to-date expenditure report (AIMS-JAS-443/AG-053)
 - D) Year-to-date disbursement report (AIMS-JAS-670)
- 1703.4 The Aging and Adult Administration shall send close-out reports to the Area Agencies on Aging no later than October 1st, unless unforeseen circumstances prevent the issuance of the report. Upon receipt of the close-out report, Area Agencies on Aging will have 45 calendar days to review the report.
- 1703.5 The close-out report will identify the amount of funding eligible for carryover from the appropriate Federal fund source. If the close-out report contains an amount due to the Area Agency on Aging, the Aging and Adult Administration shall remit that amount to the Area Agency on Aging, prior to awarding carryover to the Area Agency on Aging. If the close-out report contains an amount due from the Area Agency on Aging, that amount shall be remitted to the Aging and Adult Administration, prior to awarding carryover to the Area Agency on Aging.
- 1703.6 Should Area Agencies on Aging report carryover funds in excess of 10% by the end of the recently completed budget year, the Aging and Adult Administration shall reclaim funds for redistribution to those Area Agencies on Aging whose carryover funds are less than 10%. Inquiries shall be made by the Aging and Adult Administration to the Area Agencies on Aging whose carryover is less than 10% to determine their need for additional funds. Funds will be redistributed on a proportionate basis to the eligible Area Agencies on Aging up to their 10% limit if the

reclaimed funds are less than a total of 10% Statewide. Area Agencies on Aging whose carryover is less than 10% are not guaranteed additional carryover funds. If the reclaimed carryover funds are under \$1,000, the Aging and Adult Administration will work with the Area Agencies on Aging to determine which Area Agency on Aging and/or what special project shall utilize the funds.

- 1703.7 Area Agencies on Aging requesting carryover above 10% and up to a maximum of 20%, must submit to the Aging and Adult Administration Program Administrator, a written justification detailing the amount requested by funding source and the projected use of the funds.
- 1703.8 Should Area Agencies on Aging not expend all of their administration funds during the most recently completed fiscal year, the Federal portion (75%) is eligible for carryover as program funds.
- 1703.9 Unexpended funds not requested as carryover by the Area Agencies on Aging shall revert to the Aging and Adult Administration for reallocation with priority given to one-time only expenditures.

1900 Administrative Mandates

1910 Confidentiality and Disclosure of Information

1911 Overview

The Aging and Adult Administration maintains the confidentiality of the clients served under the programs of the Administration.

This chapter provides an outline for the Aging and Adult Administration operational principles and procedures on minimum standards for addressing confidentiality and disclosure of information regarding clients receiving services funded under an approved Area Plan on Aging. **This policy chapter is subject to change as additional information and/or regulations are received from the U.S. Department of Health and Human Services, Administration on Aging.**

Reference: Older Americans Act of 1965 as amended in 2000, P.L. 106-501 §306, §307; §315, §321 §705, §712 §721; Title 45 C.F.R. §1321.11 and §1321.51; The Freedom of Information Act 5 U.S.C. §552 as amended by P.L. 104-231, 110 Stat. 3048; Health Insurance and Portability Act of 1996 P.L. 104-191, and A.R.S. §41-1959 and §46-454.

1912 Operational Principles

1912.1 An Area Agency on Aging, or entity that such agency has contracted with, shall comply with all applicable State and Federal statutes, rules and regulations regarding the confidentiality, use, or disclosure of applicant or client information.

1912.2 An Area Agency on Aging must have in place procedures to ensure that no information about a client is disclosed by the entity that such agency has contracted with, without the informed consent of the client.

1912.3 An Area Agency on Aging, or entity that such agency has contracted with, is not required to disclose types of information or documents that are exempt from disclosure by a Federal agency under the Federal Freedom of Information Act.

1912.4 An Area Agency on Aging shall not require the entity that such agency had contracted with to provide legal services assistance to reveal any information that is protected by attorney-client privilege.

1913 Operational Procedures

1913.1 The following information is considered confidential:

- A) The names and addresses of applicants and recipients of service.
- B) The type of services provided.
- C) Information related to the social and economic conditions or circumstances of an individual.

- D) Agency evaluation of information about an individual.
- E) Medical data, including diagnosis, past history of disease or disability of an individual.
- F) Personally identifiable information entered in the Aging Information Management System (AIMS).

1913.2 Confidential information shall not be released except under the following conditions:

- A) To the extent necessary to make claims for public or private assistance or benefits on behalf of the client.
- B) Referrals to Adult Protective Services, as required in A.R.S. 46-454.
- C) Referrals to law enforcement if a crime may be committed or that a crime has been committed, unless this is privileged information.
- D) Written request is made by the applicant, client, or legal guardian. Only information that relates directly to the client shall be released.
- E) An emergency situation arises and it is in the best interest of the applicant or client that information is disclosed. The information disclosed and to whom shall be recorded in the case record and the applicant or client shall be notified promptly.
- F) Information is requested by persons or agency representatives who are subject to standards of confidentiality comparable to those contained in this chapter. The information disclosed and to whom shall be recorded in the case record and the applicant or client shall be notified promptly.

1913.3 Disclosure of confidential information as identified in section 1913.2 shall be specific and time limited and must be documented in a case record. Documentation in case records must identify the following:

- A) The information that was disclosed. A copy of the written release of information from the party seeking the information shall be part of the case record.
- B) To whom the information was disclosed.
- C) The purpose of the disclosure.
- D) The date and time the information was disclosed.
- E) The name of the individual who made the disclosure to the requesting party.

1913.4 When monitoring entities funded under an approved Area Plan on Aging, an Area Agency on Aging shall not require the entity that such agency has contracted with to disclose information or data about applicants or clients which is not pertinent to the service furnished or payment made.

The Area Agency on Aging should use the least intrusive methods possible to obtain the information necessary to fulfill monitoring activities.

1913.5 Legal assistance providers shall not be required to disclose the information which would be considered privileged and which may include "revealing information relating to the representation of a client, unless the client consents, after consultation, except for disclosures that are implicitly authorized in order to carry out the representation." Legal assistance providers are legally and ethically prohibited from disclosing information that could identify clients to Area Agencies on Aging, or other funding sources. However, there are other types of information that can be released for monitoring purposes and which would not be considered "privileged" as defined by ethical obligations set forth in the Canons of Ethic of the State Bar of Arizona. The following are examples of non-privileged information:

- A) Pleadings, memos, or other data filed with the courts.
- B) Legal documents which have been recorded.
- C) Names, addresses, telephone numbers and narratives of the legal problem if the client provided such information previously to the Area Agency on Aging if it was the agency making the referral to the legal service provider.
- D) Court orders, minutes, entries and other court or public records.
- E) Collected statistical information not identified to a particular client which may include types of services, disposition of cases, type of cases and units of service.
- F) Information that the client has made public through another source, example: client files a complaint about a legal service delivered by another agency or the Area Agency on Aging.

1914 Operational Procedures for Storage of Confidential Information

1914.1 An Area Agency on Aging, or entity that such agency has contracted with, shall ensure the confidentiality of client information. Confidential information shall be maintained in locked files. If electronic records are utilized, confidential information must be secured.

1914.2 An Area Agency on Aging shall ensure that the entity that such agency has contracted with retain all data and other records relating to the performance of the contract for a period of five years after the completion of the contract.